

**U.S. District Court  
DISTRICT OF KANSAS (Kansas City)  
CRIMINAL DOCKET FOR CASE #: 2:13-mj-08229-JPO All Defendants**

Case title: USA v. Stamm

Date Filed: 10/04/2013

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Assigned to: Magistrate Judge James P.  
O'Hara

**Defendant (1)**

**Austen Stamm**

represented by **Tom Bartee**

Email:

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Public Defender or*

*Community Defender Appointment*

*Bar Status:*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

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**Plaintiff**

**USA**

represented by **Scott Rask**

Email:

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: Retained*

*Bar Status:*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
10/04/2013	<u>1</u>	3	RULE 5(c)(3) REMOVAL HEARING PAPERS SENT TO Eastern District of Virginia as to Austen Stamm. (Attachments: # <u>1</u> Order Setting Conditions of Release, # <u>2</u> Waiver of Hearing, # <u>3</u> Commitment to Another District, # <u>4</u> Commitment to Another District) (mh) (Entered: 10/04/2013)
10/04/2013	<u>2</u>	11	CJA 23 FINANCIAL AFFIDAVIT by Austen Stamm. (mh) (Entered: 10/04/2013)

UNITED STATES OF AMERICA

v.

AUSTEN L. STAMM

Case No: 13-8229-JPO  
AUSA: Scott Rask  
Deft. Atty.: Tom Bartee (fpd)

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JUDGE:	James P. O'Hara	DATE:	October 4, 2013
DEPUTY CLERK:	Yolanda Holman	TAPE/REPORTER:	FTRjpo 1:50p.m.
INTERPRETER:		PRETRIAL/PROBATION:	Sara Valdez-Hoeffer

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Length of Hearing: \_\_\_\_\_ Hr(s) Min(s) 30 Location: Kansas City, Kansas  
Hearing Concluded x Yes \_\_\_ No

PROCEEDINGS

<input checked="" type="checkbox"/> Rule 5 Hearing	<input type="checkbox"/>	<input type="checkbox"/> Initial Revocation Hearing	<input type="checkbox"/>	<input type="checkbox"/> Bond Hearing
<input type="checkbox"/> ID/Removal Hearing	<input type="checkbox"/>	<input type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/>	<input type="checkbox"/> Bond Revocation Hearing
<input type="checkbox"/> Preliminary Hearing	<input type="checkbox"/>	<input type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/>	<input type="checkbox"/> Arraignment
<input type="checkbox"/> Detention Hearing	<input type="checkbox"/>	<input type="checkbox"/> Held <input type="checkbox"/> Waived	<input type="checkbox"/>	
<input type="checkbox"/> Discovery Conference	<input type="checkbox"/>	<input type="checkbox"/> Held <input type="checkbox"/> Waived		
<input type="checkbox"/> Interpreter	<input type="checkbox"/>	<input type="checkbox"/> Appointed	<input type="checkbox"/>	<input type="checkbox"/> Sworn
<input checked="" type="checkbox"/> Charges and penalties explained to defendant				
<input checked="" type="checkbox"/> Defendant sworn and examined re: financial ability to retain counsel				
<input checked="" type="checkbox"/> Counsel appointed	<input type="checkbox"/>	<input type="checkbox"/> At defendant's expense		
<input checked="" type="checkbox"/> Constitutional rights explained	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor		
<input type="checkbox"/> Defendant declined to waive indictment	<input type="checkbox"/>	<input type="checkbox"/> Will be presented by next Grand Jury		
<input type="checkbox"/> Signed Waiver of Indictment				
<input type="checkbox"/> Advised of rights under	<input type="checkbox"/>	<input type="checkbox"/> Rule 20		
<input type="checkbox"/> Signed Consent to Transfer (Rule 20)				
<input type="checkbox"/> Petition to Enter Plea Filed	<input type="checkbox"/>	<input type="checkbox"/> Plea Agreement Attached		
<input type="checkbox"/> Transfer to the _____ District of _____				
<input type="checkbox"/> Oral motion by Government for pretrial detention of defendant				
<input type="checkbox"/> ARRAIGNMENT AND PLEA:			<input type="checkbox"/> No. of Counts _____	
<input type="checkbox"/> Waived Reading of	<input type="checkbox"/> Indictment	<input type="checkbox"/> Information	<input type="checkbox"/> Read to Defendant	
<input type="checkbox"/> Previous Plea	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	Counts: _____	Withdrawn
<input type="checkbox"/> Guilty			Counts: _____	Accepted
<input type="checkbox"/> Not Guilty			Counts: _____	
<input type="checkbox"/> Bail fixed at	<input type="checkbox"/> Bail denied	<input type="checkbox"/> Bail remains denied		
<input checked="" type="checkbox"/> \$ <u>P/R</u>	<input type="checkbox"/> Unsecured	<input type="checkbox"/> Secured		
<input checked="" type="checkbox"/> Release Order	<input type="checkbox"/> Executed	<input type="checkbox"/> Continued in effect		
<input type="checkbox"/> Deft. remanded to custody	<input type="checkbox"/> Pending compliance with conditions of release			
<input type="checkbox"/> Detention Ordered				

Miscellaneous: Commitment to the Eastern District of Virginia to be filed.

Next Appearance: Arr/Det/Disc. Conf. set Friday, October 11, 2013 at 2:30 p.m. before Magistrate Judge Ivan Davis in the Eastern District of Virginia.

## UNITED STATES DISTRICT COURT

for the

District of Kansas

**FILED**

OCT - 4 2013

United States of America )


v. )

AUSTEN L. STAMM )

Defendant )

Case No.

13-8229-JPO

Clerk, U.S. District Court  
By:  Deputy Clerk**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed

The defendant must appear at (if blank, to be notified)

U.S. District Court

Place

U.S. Magistrate Judge Ivan A. Davis  
 500 State Ave., Kansas City, KS on  
 401 Courthouse Square, Alexandria, Virginia

October 11, 2013, 2:30 p.m.  
 Date and Time

**Release on Personal Recognizance or Unsecured Bond**

IT IS FURTHER ORDERED that the defendant be released on condition that:

- ( ☒ ) (5) The defendant promises to appear in court as required and surrender to serve any sentence imposed.
- ( ☐ ) (6) The defendant executes an unsecured bond binding the defendant to pay to the United States the sum of \_\_\_\_\_ dollars (\$) \_\_\_\_\_ in the event of a failure to appear as required or surrender to serve any sentence imposed.

### ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community. IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

( ) (7) The defendant is placed in the custody of:

Person or organization

Address (only if above is an organization)

City and state

Tel. No. (only if above is an organization)

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed:

Custodian or Proxy

Date

( X ) (8) The defendant must:

( X ) (a) report to the Pretrial Services officer as directed

telephone number , no later than

( ) (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

( ) (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum

( ) (d) execute a bail bond with solvent sureties in the amount of \$

( X ) (e) maintain or actively seek employment.

( ) (f) maintain or commence an education program.

( ) (g) surrender any passport to:

( ) (h) obtain no passport.

( X ) (i) abide by the following restrictions on personal association, place of abode, or travel: Remain in the District of Kansas and the Eastern District of Virginia for court proceedings. All other travel must be approved, in advance, by Pretrial Services.

( X ) (j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: all co-defendants.

( ) (k) undergo medical or psychiatric treatment:

( ) (l) return to custody each (week) day at o'clock after being released each (week) day at o'clock for employment, schooling, or the following purpose(s):

( ) (m) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

( X ) (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

( ) (o) refrain from ( ) any ( ) excessive use of alcohol.

( ) (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

( ) (q) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release.

( ) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.

( ) (s) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.

( ) (i) **Curfew.** You are restricted to your residence every day ( ) from to , or ( ) as directed by the pretrial services office or supervising officer; or

( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office or supervising officer; or

( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

( ) (t) submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.

( ) The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer determines.

( ) (i) Location monitoring technology as directed by the pretrial services office or supervising officer;

( ) (ii) Radio Frequency (RF) monitoring;

( ) (iii) Passive Global Positioning Satellite (GPS) monitoring;

( ) (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);

( ) (v) Voice Recognition monitoring.

( X ) (u) report as soon as possible, to the pretrial services office every contact with law enforcement personnel, including arrests, questioning or traffic stops

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICES U.S. ATTORNEY U.S. MARSHAL

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

Pebot KS

City and State

**Directions to the United States Marshal**

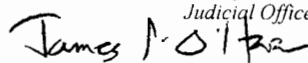
- ( ☒ ) The defendant is ORDERED released after processing.
- ( ☐ ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date:

October 4, 2013



Judicial Officer's Signature



David J. Waxse, U.S. Magistrate Judge

Printed name and title

As directed by the U.S. Probation Officer, the defendant shall cooperate with and abide by the policies of the United States Probation Office's Computer and Internet Monitoring Program which includes restrictions and/or prohibitions related to: computer and Internet usage, possession and use of electronic, cellular, gaming, and Internet appliance devices; possession and use of computer hardware and software, encryption hardware or software, and accessing certain types of web sites to include: social networking, chat rooms,

The defendant will also be subject to computer monitoring, and will provide the United States Probation Office with a complete inventory of all electronic and Internet capable devices, user account information and password(s).



# UNITED STATES DISTRICT COURT

for the

District of Kansas

**FILED**

OCT - 4 2013

United States of America )

v. )

Case No. 13-8229-JPO

AUSTEN L. STAMM )

Defendant )

Charging District's Case No. 13-8229-JPO  
By: [Signature] Clerk, U.S. District Court  
Deputy Clerk

## WAIVER OF RULE 5 & 5.1 HEARINGS (Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) Eastern District of Virginia  
Alexandria Division

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: October 4, 2013

[Signature]

Defendant's signature

[Signature]

Signature of defendant's attorney

Thomas W. Barte

Printed name of defendant's attorney



## UNITED STATES DISTRICT COURT

for the

District of Kansas

**FILED**

OCT - 4 2013

United States of America

v.

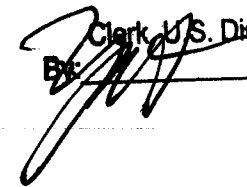
AUSTEN L. STAMM

Defendant

Case No. 13-8229-JPO

Charging District's

Case No. 1:13-cr-383

Clerk U.S. District Court  
 By:  Deputy Clerk

**COMMITMENT TO ANOTHER DISTRICT**

The defendant has been ordered to appear in the Eastern District of Virginia, (if applicable) Alexandria division. The defendant may need an interpreter for this language:

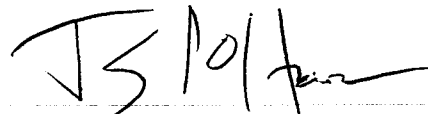
The defendant: ☐ will retain an attorney.  
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date:

October 4, 2013

  
 Judge's signature

James P. O'Hara, U.S. Magistrate Judge

Printed name and title

AO 94 (Rev. 8/97) Commitment to Another District

## UNITED STATES DISTRICT COURT

District of Kansas

**FILED**

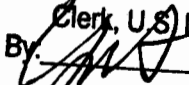
UNITED STATES OF AMERICA

V.

**COMMITMENT TO ANOTHER DISTRICT**

OCT 14 2013

AUSTEN L. STAMM

By:  Clerk, U.S. District Court  
Deputy Clerk

## DOCKET NUMBER

## MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

1:13-CR-383

Eastern District of Virginia

13-8229-JPO

District of Kansas

## CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☒ Indictment ☐ Information ☐ Complaint ☒ Other (specify) Violations of Conditions of Release

charging a violation of 18 U.S.C. § 371

## DISTRICT OF OFFENSE

Eastern District of Virginia

## DESCRIPTION OF CHARGES:

Conspiracy to Intentionally Cause Damage to a Protected Computer

## CURRENT BOND STATUS:

☒ Bail fixed at P/R and conditions were not met

Government moved for detention and defendant detained after hearing in District of Arrest

☐ Government moved for detention and defendant detained pending detention hearing in District of Offense☐ Other (specify)Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ NoneInterpreter Required? ☒ No ☐ Yes Language:

## DISTRICT OF

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

October 4, 2013

Date



United States Judge or Magistrate Judge

## RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

# FINANCIAL AFFIDAVIT

CJA 23  
(Rev. 5/98)

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES  
IN THE CASE OF

☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Austen Stamm

CHARGE/OFFENSE (describe if applicable & check box →)

☐ Felony  
☐ Misdemeanor

- ☐ Defendant - Adult
- ☐ Defendant - Juvenile
- ☐ Appellant
- ☐ Probation Violator
- ☐ Parole Violator
- ☐ Habeas Petitioner
- ☐ 2255 Petitioner
- ☐ Material Witness
- ☐ Other (Specify)

FILED

Magistrate

District Court

13-8229-40

By: Clerk

Deputy Clerk

## ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

ASSETS

EMPLOY-  
MENT

Are you now employed? ☒ Yes ☐ No ☐ Am Self Employed

Name and address of employer: Mitchell Co Hospital, Beloit, KS

IF YES, how much do you  
earn per month? \$ 3000<sup>00</sup>

IF NO, give month and year of last employment  
How much did you earn per month? \$

If married is your Spouse employed? ☐ Yes ☐ No

IF YES, how much does your  
Spouse earn per month? \$

If a minor under age 21, what is your Parents or  
Guardian's approximate monthly income? \$

OTHER  
INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the  
form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No

IF YES, GIVE THE AMOUNT  
RECEIVED & IDENTIFY \$  
THE SOURCES

CASH

Have you any cash on hand or money in savings or checking account? ☒ Yes ☐ No IF YES, state total amount \$ 14,000<sup>00</sup>

PROP-  
ERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household  
furnishings and clothing)? ☒ Yes ☐ No

IF YES, GIVE THE VALUE AND \$  
DESCRIBE IT

VALUE DESCRIPTION  
85,000<sup>00</sup> Residence: 614 N Lincoln Ave Beloit KS  
1,500<sup>00</sup> Vehicle

OBLIGATIONS  
& DEBTS

DEPENDENTS

MARITAL STATUS

☒ SINGLE

☐ MARRIED

☐ WIDOWED

☐ SEPARATED OR  
DIVORCED

Total  
No. of  
Dependents

0

List persons you actually support and your relationship to them

None

DEBTS &  
MONTHLY  
BILLS

(LIST ALL CREDITORS,  
INCLUDING BANKS,  
LOAN COMPANIES,  
CHARGE ACCOUNTS,  
ETC.)

APARTMENT  
OR HOME:

Creditors

Total Debt

Monthly Payt.

Mortgage (700) Utilities (400)  
Vehicle Repair (5,500) cell phone (80)  
groceries (200)

\$ 20,000<sup>00</sup> \$ 1,100<sup>00</sup>  
\$ 5,500<sup>00</sup> \$ 80<sup>00</sup>  
\$ 200<sup>00</sup>

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) 10/4/2013

SIGNATURE OF DEFENDANT  
(OR PERSON REPRESENTED)

